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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1827 of 2026

Sarfuddin Khan @ Guddu S/o Samsuddin Khan Aged About 47 Years R/o Sector-06, Sadak No. 51, Block No. 3D, Bhilai Nagar, District - Durg Chhattisgarh (Details of Applicant Properly Not Mentioned on Impugned Order Sheet and Correct Details is mentioned as per Charge-sheet)

... Applicant

versus

State of Chhattisgarh Through The SHO Police Station Arjunda, District - Balod Chhattisgarh (Details of Respondent Properly Not Mentioned In Impugned Order Sheet)

... Non-Applicant

For Applicant	: Mr. Aman Tamrakar, Advocate.
For Non-Applicant/State	: Ms. Vaishali Mahilong, Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.02.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 170/2024, registered at Police Station – Arjunda, District - Balod (C.G.) for the offence punishable under Section 331(4), 305(A), 112, 238, 317(4) and 3(5) of Bharatiya Nyaya Sanhita, 2023.(correspondence Section in IPC in 457, 380, 201, 413 and 34).

2. As per the prosecution story, in brief, on 30.08.2024, an unknown person



broke into the house of the complainant, Sanjurani Goswami, located in Kesaria Colony, Arjunda, during the night and stole jewellery and other valuables. A crime was registered at Arjunda Police Station. During the investigation, on the basis of the memorandum statement and seizure proceedings of the accused arrested in Crime No. 180/2025 of Balod Police Station, the said accused was also arrested in Crime No. 170/2025 of Arjunda Police Station. In the present case, it is alleged that the accused sold the jewellery stolen from the complainant's residence to co-accused Nathmal Soni and Rajesh Soni. The case further refers to the sale of jewellery stolen from various locations in Chhattisgarh by the accused in an organized manner. In his memorandum statement, the accused stated that he had obtained the stolen jewellery from the co-accused and sold it in the market for financial gain. The present case is stated to be a glaring example of organized crime. A charge sheet has been filed against the accused under Sections 331(4), 305(A), 112, 238, 317(4), and 3(5) of the BNS, 2023. Initially, the case was registered against an unknown person, and during the course of investigation, the present accused was arrested.

3. Learned counsel for the applicant argues that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no any allegation of theft against the present applicant. It is further submitted that the other co-accused, namely, Rajesh Soni has already been granted bail by this Court vide order dated 03.02.2026 passed in MCRC No. 1127/2026. So far as criminal antecedents of the applicant are concerned, applicant has five criminal antecedents, out of which in three cases he has been granted bail by this Court, one case is pending and against one case, he has preferred bail application bearing MCRC No.1840/2026, which is also listed today and the same is allowed



today itself by this Court, the same has been explained in paragraph No.

4.A of this bail application, further the charge-sheet has been filed in the present case, the applicant is in judicial custody since 18.09.2025, and the trial is likely to take a considerable time for its conclusion. Therefore, learned counsel prays for grant of bail to the applicant on the ground of parity.

4. On the other hand, the learned State counsel opposed the bail application and submits that the charge-sheet has been filed in the present case. She further submits that the applicant has five criminal antecedents of similar nature, as such, he is a habitual offender and his bail application is liable to be rejected.
5. I have heard learned counsel for the parties and perused the documents available on record.
6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and the fact that the other co-accused, namely, Rajesh Soni has already been granted bail by this Court vide order dated 03.02.2026 passed in MCRC No. 1127/2026, so far as criminal antecedents of the applicant are concerned, the same has been explained in paragraph No. 4.A of this bail application, further the charge-sheet has been filed in the present case, the applicant is in judicial custody since 18.09.2025, and the trial is likely to take a considerable time for its conclusion, this Court is of the view that the applicant is entitled to be released on bail in this case on the ground of parity.
7. Accordingly, the bail application is **allowed**. Let the applicant - **Sarfuddin Khan @ Guddu**, involved in Crime No. 170/2024, registered



at Police Station – Arjunda, District - Balod (C.G.) for the offence punishable under Section 331(4), 305(A), 112, 238, 317(4) and 3(5) of Bharatiya Nyaya Sanhita, 2023.(correspondence Section in IPC in 457, 380, 201, 413 and 34), be released on bail on his furnishing a personal bond with **two sureties** in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of



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the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**

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